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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.             | CONFIRMATION NO.            |
|--|-------------|----------------------|---------------------------------|-----------------------------|
| 10/636,167   | 08/07/2003  | Silvio Lupo          | 36020364-02                     | 3595                        |
| 57299  | 7590        | 11/05/2008           |                                 |                             |
| Kathy Manke<br>Avago Technologies Limited<br>4380 Ziegler Road<br>Fort Collins, CO 80525 |             |                      | EXAMINER<br>NGUYEN, PHILLIP     |                             |
|  |             |                      | ART UNIT<br>2828                | PAPER NUMBER                |
|  |             |                      | NOTIFICATION DATE<br>11/05/2008 | DELIVERY MODE<br>ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/636,167 | <b>Applicant(s)</b><br>LUPO, SILVIO |  |
|                              | <b>Examiner</b><br>PHILLIP NGUYEN    | <b>Art Unit</b><br>2828             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 3-6 and 9 is/are allowed.
- 6) ☒ Claim(s) 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 8/15/2008 have been fully considered but they are not persuasive.

Applicant argues that Lano discloses the surface 141 being sepecicially angled so as to capture as much of the radiation as possible and further quotes the paragraph 0044 as evidence for that statement. Applicant concludes that one of ordinary skill in the art will recognize that Lano's angle is purposely selected so as to maximize refraction (for capture) or in other words so as to minimize the reflection.

Examiner agrees with this argument. However, it is clear that the laser 10 produces light which spreads out in many different directions. Main part of the laser light is captured by the element 14; other part of light not captured by the element 14 reaches the photodetector 12. However, there is other part of light spreads in a different angle which is not captured by the element 14 and reflected away because of its angle. It's clear that Lano's intention is to capture as much light as possible with the Brewster's angle of the element 14 but not all. Lano tries to minimize the reflection but cannot completely suppress the reflection due to the divergence of the laser light. In other words, for light with maximum angle of incidence or less will be refracted by element 14, other light beyond the maximum angle of incidence will not be captured by the element 14 even if it reaches that element.

If applicant really wishes to overcome the prior art, applicant is suggested to amend the claim such that the claim could limit to the major part of light to be reflected away from the laser

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by the auxiliary component. Since the claim fails to claim that limitation and the prior art does not teach to completely suppress the reflection, the applicant's argument is not persuasive and the rejection is hereby maintained as follow:

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 10 is rejected under 35 U.S.C. 102(e) as being anticipated by Lano et al. (US 20020163943).

With respect to claim 10, Lano discloses in Fig. 1 and 2 a mounting arrangement comprising:

a submount 13 having a general plane of extension; and

a laser source 10, and at least one auxiliary component 14 associated with said laser source;

wherein said laser source 10 and said auxiliary component 14 are mounted on said submount 13, wherein said at least one auxiliary component is mounted on said general plane of extension of said submount so that a longest dimension of said at least one auxiliary component is at least substantially orthogonal to said general plane of said submount,

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wherein said laser source has a lasing direction (arrow head beams) and said auxiliary component is displaced laterally with respect to said lasing direction of said laser source, and wherein said laser source includes front and back lasing facets 10a and 10b aligned along said lasing direction, said auxiliary component has a surface 141 exposed to radiation from said back facet 10b of the laser source 10, and in that said surface is tilted laterally with respect to said lasing direction so that radiation from said laser back facet along said lasing direction is reflected away from such direction.

***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance: Claims 1, 3-6 and 9 are allowed because the prior art fail to teach or fairly suggest a mounting arrangement for a laser source wherein at least a part of a laser driver is arranged in a recess so that the driver has an end surface extending from the recess substantially flush with a conductive pad for mounting the laser source.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Communication Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Nguyen whose telephone number is 571-272-1947. The examiner can normally be reached on 9:00 AM - 6:00 PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MINSUN HARVEY, can be reached on 571-272-1835. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Phillip Nguyen/

AU 2828

/Minsun Harvey/

Supervisory Patent Examiner, Art Unit 2828